

**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mark J. RATAIN *et al.*

Serial No.: 10/591,484

Filed: September 1, 2006

For: METHODS AND COMPOSITIONS  
RELATING TO THE  
PHARMACOGENETICS OF DIFFERENT  
GENE VARIANTS

Group Art Unit: 3662

Examiner: Unknown

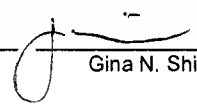
Atty. Dkt. No.: ARCD:405US

Confirmation No.: 9362

CERTIFICATE OF ELECTRONIC TRANSMISSION  
37 C.F.R. § 1.8

I hereby certify that this correspondence is being  
electronically filed with the United States Patent and  
Trademark Office via EFS-Web on the date below:

October 2, 2008  
Date

  
Gina N. Shishima

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C.  
371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

In response to the Notification of Missing Requirements under 35 U.S.C. 371 in the  
United States Designated/Elected Office (DO/EO/US), dated March 26, 2008, there are enclosed  
herewith:

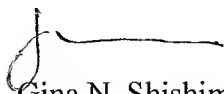
- (a) Six Declarations executed by Mark J. RATAIN, Federico INNOCENTI, Deanna  
L. KROETZ, Samir UNDEVIA, Tan D. NGUYEN and Wanqing LIU;

- (b) Our payment via credit card in the amount of \$1,240.00 to cover the surcharge for late filing (\$65.00); five month extension of time fee(\$1,175.00);
- (c) A copy of Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US); and
- (d) A Request for Extension of Time of five months to and including October 26, 2008. Should such request be absent, consider this such a request and authorization to withdraw the appropriate fee under 37 C.F.R. §§ 1.16 to 1.21 as stated below.

Applicants are entitled to small-entity status pursuant to 37 C.F.R. 1.27. Therefore, small-entity fees have been paid accordingly.

The required fees in the amount of \$1,240.00 in connection with the filing of this paper are being charged to a credit card through EFS-Web concurrently with this submission. The Commissioner is hereby authorized to deduct any underpayment of fees or any additional fees required under 37 C.F.R. §§ 1.16 to 1.21 in connection with the filing of this paper from Fulbright & Jaworski Deposit Account No.: 50-1212/ARCD:405US.

Respectfully submitted,



Gina N. Shishima  
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Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
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(512) 474-5201

Date: October 2, 2008



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/591,484	Mark J. Ratain	ARCD:405US
32425 FULBRIGHT & JAWORSKI L.L.P. 600 CONGRESS AVE. SUITE 2400 AUSTIN, TX 78701		
INTERNATIONAL APPLICATION NO. PCT/US2005/007410		
I.A. FILING DATE		PRIORITY DATE
03/07/2005		03/05/2004

CONFIRMATION NO. 9362  
371 FORMALITIES LETTER



Date Mailed: 03/26/2008

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371  
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 09/01/2006
- Copy of the International Search Report filed on 09/01/2006
- Preliminary Amendments filed on 09/01/2006
- Information Disclosure Statements filed on 06/14/2007
- Biochemical Sequence Diskette filed on 09/01/2006
- Oath or Declaration filed on 09/01/2006
- U.S. Basic National Fees filed on 09/01/2006
- Priority Documents filed on 09/01/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$65** for a Small Entity:

- **\$65** Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.

<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

VIRGINIA L IRBY

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